

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ASCENTIUM CAPITAL, LLC,

Plaintiff,

v.

INDU MOTEL, LLC, a/k/a INDU
MOTEL, L.L.C.; PRAGNASH PATEL;
VASANT PATEL,

Defendants.

No. 2:21-cv-00376 KJM CKD

ORDER VACATING HEARING AND
ORDER TO RESPOND

Presently pending before the court is plaintiff's motion for default judgment, which is set for hearing on November 3, 2021. (ECF No. 16.) Pursuant to Local Rule 230(c), defendants were required to file an opposition or statement of non-opposition to the motion no later than fourteen (14) days prior to the hearing date, i.e., by October 20, 2021. Although that deadline has passed, no opposition or statement of non-opposition was filed.

Out of an abundance of caution, and in light of the court's desire to resolve the action on the merits, the court provides defendants one additional, final opportunity to oppose the motion.

Accordingly, IT IS HEREBY ORDERED that:

1. The November 3, 2021 hearing on plaintiff's motion for default judgment is VACATED. The court takes this matter under submission on the papers without oral argument, pursuant to Local Rule 230(g). The court will reschedule a hearing at a

future date, if necessary;

2. Defendants' opposition(s) shall be filed no later than November 10, 2021, and the reply brief from plaintiff, if any, is due November 17, 2021;
 3. Defendants are cautioned that failure to respond to the motion in compliance with this order will be deemed as consent to a summary grant of the motion, and may result in the imposition of a default judgment against a non-responding defendant; and
 4. Plaintiff shall promptly serve a copy of this order on each defendant at their last-known address, and file a proof of service.

Dated: October 22, 2021

Carolyn K. Delaney

CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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